

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

PECOLA MCKINNEY

PLAINTIFF

NO. 4:19CV00025-JMV

**NANCY BERRYHILL
*COMMISSIONER OF SOCIAL SECURITY***

DEFENDANT

FINAL JUDGMENT

This cause is before the court on Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying a claim for a period of disability and disability insurance benefits. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The court, having reviewed the administrative record, the briefs of the parties, and the applicable law, and having heard oral argument, finds as follows:

Consistent with the court's ruling from the bench during a hearing held today, the court finds the ALJ's step two determination that the claimant had no severe impairment is not supported by substantial evidence in the record. Specifically, medical evidence of record establishes the claimant had a diagnosis of "bilateral knee degenerative joint disease" for which she was prescribed injections. And, though her treater noted in December 2017 she had "done well with injections," the claimant testified at the April 3, 2018 hearing that she had "arthritis real bad" in her knees and her doctor wanted to do surgery. Furthermore,

records from the Greenwood Leflore Hospital—which were apparently submitted to the Appeals Council—establish that forty-two (42) days after the hearing, the claimant had a total knee replacement.

On remand, the ALJ must consider all the medical evidence of record and reevaluate all the claimant’s alleged impairments. Ultimately, the ALJ must issue a new decision and may conduct any proceedings that are not inconsistent with this decision.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is REVERSED and REMANDED for further proceedings.

This, the 16th day of January, 2020.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE